AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

United States District Court

FILED

NORTHERN DISTRICT OF WEST VIRGINIA

MAY 23 2022

TASON DENT

Petitioner

V.

Size-CV-95

Case No.

(Supplied by Clerk of Court)

Groh/Trumble/Sims

WARDEN GILLEY

Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

Ρl	lace of confinement:
	Name of institution: Whatebotates year Educas HAZELTON
	Address: PostofficeBox Soco
	BRUCETON MILLS MEST VIRGINIA 26525
(c	Your identification number: 67640-053
A	re you currently being held on orders by:
D.	Federal authorities
Aı	re you currently:
	re you currently: A pretrial detainee (waiting for trial on criminal charges)
0	A pretrial detainee (waiting for trial on criminal charges)
	A pretrial detainee (waiting for trial on criminal charges) Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime If you are currently serving a sentence, provide:
	A pretrial detainee (waiting for trial on criminal charges) Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime If you are currently serving a sentence, provide:
	A pretrial detainee (waiting for trial on criminal charges) Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime If you are currently serving a sentence, provide: (a) Name and location of court that sentenced you: YORK U.S. DISTRICT COURT (BROOKIVN)
	A pretrial detainee (waiting for trial on criminal charges) Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime If you are currently serving a sentence, provide: (a) Name and location of court that sentenced you: YORK U.S. DISTRICT COURT (BROOKIVN)
	A pretrial detainee (waiting for trial on criminal charges) Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime If you are currently serving a sentence, provide: (a) Name and location of court that sentenced you: YORK U.S. DISTRICT COURT (BROOKLYN) (b) Docket number of criminal case: OI-CR-1343 (DGT)
	A pretrial detainee (waiting for trial on criminal charges) Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime If you are currently serving a sentence, provide: (a) Name and location of court that sentenced you: YORK U.S. DISTRICT COURT (BROOKLYN) (b) Docket number of criminal case: OI-CR-[343(DGT)

Decision or Action You'Are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

. Pra	trial detention
,	migration detention
1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	tainer
. At	evalidity of your conviction or sentence as imposed (for example, sentence beyond the statutory
•	ximum or improperly calculated under the sentencing guidelines)
	sciplinary proceedings
	ner (explain):
	de more information about the decision or action you are challenging:
(a) N	Name and location of the agency or court: EASTERN DISTRICTOF NEW YORK U.S. DISTRI
	DURT
(b) I	Oocket number, case number, or opinion number: 01-CR-1343(DGT)
(c) I	Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
	I AM ACTUAL INNOCENT FOR MY CONVICTION AND SENTENCE BECAUSE
	HE INDICTMENT THAT I WAS CONVICTED AND SENTENCE FOR WAS NOT
	TRUE BILL BY A FEDERAL GRAND JURY
(A) T	
(d) I	Date of the decision or action:
(d) I	Pate of the decision or action:
(d) I	
	Oate of the decision or action: Your Earlier Challenges of the Decision or Action
First	Your Earlier Challenges of the Decision or Action appeal
First Did y	Your Earlier Challenges of the Decision or Action appeal ou appeal the decision, file a grievance, or seek an administrative remedy?
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First Did y	Your Earlier Challenges of the Decision or Action appeal ou appeal the decision, file a grievance, or seek an administrative remedy? \[\begin{align*} \text{No} \end{array} \text{No} \text{"Yes," provide:} \(\begin{align*} \text{1) Name of the authority, agency, or court:} \text{U.S. Court of Appeal for the Second} \end{array}
First Did y	Your Earlier Challenges of the Decision or Action appeal ou appeal the decision, file a grievance, or seek an administrative remedy? No "Yes," provide: (1) Name of the authority, agency, or court: U.S. Court of Appeal for the Second Circuit
First Did y	Your Earlier Challenges of the Decision or Action appeal ou appeal the decision, file a grievance, or seek an administrative remedy? \[\begin{align*} \text{No} \end{array} \] \[\text{No} \] \[\text{Yes," provide:} \\ \text{(1) Name of the authority, agency, or court:} \] \[\text{U.S. Court of Appeal for the Second Circuit} \] \[\text{Circuit} \] \[\text{Do not Know} \]
First Did y	Your Earlier Challenges of the Decision or Action appeal ou appeal the decision, file a grievance, or seek an administrative remedy? "Yes," provide: (1) Name of the authority, agency, or court: U.S. Court of Appeal for the Second Circuit (2) Date of filing: Danot know (3) Docket number, case number, or opinion number:
First Did y	Your Earlier Challenges of the Decision or Action appeal ou appeal the decision, file a grievance, or seek an administrative remedy? "Yes," provide: (1) Name of the authority, agency, or court: U.S. Court of Appeal for the Second Circuit (2) Date of filing: (3) Docket number, case number, or opinion number: (4) Result: Affirmed
First Did y	Your Earlier Challenges of the Decision or Action appeal ou appeal the decision, file a grievance, or seek an administrative remedy? "Yes," provide: (1) Name of the authority, agency, or court: U.S. Court of Appeal for the Second Circuit (2) Date of filing: (3) Docket number, case number, or opinion number: (4) Result: Affirmed
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8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes

No

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(a) 11	"Yes," provide:
	(1) Name of the authority, agency, or court:
	(2) Date of filing:
	(3) Docket number, case number, or opinion number:
	(4) Result:
	(5) Data of regular
-	(6) Issues raised:
	you answered "No," explain why you did not file a second appeal:
V.5	· Supreme Court because my case would of never been excepted
	appeal
	the second appeal, did you file a third appeal to a higher authority, agency, or court?
□Yes	· ·
(a) If	"Yes," provide:
	(1) Name of the authority, agency, or court:
	(2) Date of filing: N/A
	(3) Docket number, case number, or opinion number:
	(4) Result: N/A
	(5) Date of result: N/A
	(6) Issues raised:
	*
4 > **	
(b) If	you answered "No," explain why you did not file a third appeal:
<u> </u>	lid not file with the U.S. Court of Appeals for reconsideration or the
	. Supreme Court
Motio	n under 28 U.S.C. § 2255
In this	petition, are you challenging the validity of your conviction or sentence as imposed?
□Yes	□ No
If "Ye	3," answer the following:
If "Ye (a)	s," answer the following: Haye you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence.

11.

If "Yes," provide:	
(1) Name of court:	Eastern District of New York U.S. District Court
(2) Case number:	Do not Know
(3) Date of filing:	Donotknow
(4) Result:	Slave 1
(5) Date of result:	Donot know
(6) Issues raised:	Ineffective assistance of counsel
	THE TICETIVE & STITISTICE OF COUNTSET
* .	
Have you ever filed	a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A),
seeking permission	to file a second or successive Section 2255 motion to challenge this conviction of
sentence?	
Yes Yes	□ No
If "Yes," provide:	
(1) Name of court:	V.S. Court for Appeals for the Second Circuit
(2) Case number:	Ponot know
(3) Date of filing:	Danad la
(4) Result:	
(5) Date of result:	No. of Lawrence
(6) Issues raised:	The state of the s
(1)	newlydiscovered evidence
Evaloin why the year	20 H C C C 2255 : 1
	nedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your
conviction or senten	ce: a petitioner has one year after conviction and
Sentence to t	ile a 28 U.S.C. \$2255 or oneyear after a decision
made by the l	I.S. Court of Appeals
als of immigration pro	oceedings
this case concern immi	gration proceedings?
₫ N o	
If "Yes," provide:	
· -	into immigration custody:
*	or reinstatement order: Ala al with the Board of Immigration Appeals?
☐ Yes	• •
□ 1 cs	□ No

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	(1) Date of filing:
	(2) Case number:
	(3) Result:
	(4) Date of result:
	(5) Issues raised:
(d)	Did you appeal the decision to the United States Court of Appeals?
(-)	□ Yes □ No
	If "Yes," provide:
	(1) Name of court:
	(2) Date of filing: N/A
	(3) Case number:
	(4) Result:
	(5) Date of result: N/A
	(6) Issues raised: NA
	IN SURFICION CONTROL OF THE PROPERTY OF THE PR
	r appeals than the appeals you listed above, have you filed any other petition, application, or motion about the
Other	
Other raised	than the appeals you listed above, have you filed any other petition, application, or motion about the in this petition?
Other raised Yes	than the appeals you listed above, have you filed any other petition, application, or motion about the lin this petition? No es," provide:
Other raised Yes If "Yes (a) K	than the appeals you listed above, have you filed any other petition, application, or motion about the lin this petition? No es," provide: ind of petition, motion, or application:
Other raised Yes If "Yes (a) K	than the appeals you listed above, have you filed any other petition, application, or motion about the lin this petition? No es," provide:
Other raised Yes If "Ye (a) K (b) N	than the appeals you listed above, have you filed any other petition, application, or motion about the line this petition? No es," provide: ind of petition, motion, or application: I ame of the authority, agency, or court:
Other raised Yes If "Yes (a) K (b) N	than the appeals you listed above, have you filed any other petition, application, or motion about the line this petition? No es," provide: ind of petition, motion, or application: ame of the authority, agency, or court:
Other raised Yes If "Yes (a) K (b) N (c) D (d) D	than the appeals you listed above, have you filed any other petition, application, or motion about the line this petition? So INO Ses," provide: Sind of petition, motion, or application: Same of the authority, agency, or court: Socket number, case number, or opinion number: NA NA
Other raised Yes If "Yes (a) K (b) N (c) Do (d) D (e) Ro	than the appeals you listed above, have you filed any other petition, application, or motion about the line this petition? So INO Ses," provide: Sind of petition, motion, or application: Same of the authority, agency, or court: Socket number, case number, or opinion number: Socket number, case number, or opinion number: Socket number of result:
Other raised Yes If "Yes (a) K (b) N (c) Do (d) D (e) Ro (f) Da	than the appeals you listed above, have you filed any other petition, application, or motion about the line this petition? In this petition, application about the line this petition are petition, application, or motion about the line this petition. In this petition? In this petition, application, or motion about the line this petition, application, or motion about the line this petition? In this petition, application, or motion about the line this petition. In this petition? In
Other raised Yes If "Yes (a) K (b) N (c) Do (d) D (e) Ro (f) Da	than the appeals you listed above, have you filed any other petition, application, or motion about the line this petition? So INO Ses," provide: Sind of petition, motion, or application: Same of the authority, agency, or court: Socket number, case number, or opinion number: Socket number, case number, or opinion number: Socket number of result:
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Other raised Yes If "Yes (a) K (b) N (c) Do (d) D (e) Ro (f) Da	than the appeals you listed above, have you filed any other petition, application, or motion about the line this petition? In this petition, application about the line this petition are petition, application, or motion about the line this petition. In this petition? In this petition, application, or motion about the line this petition, application, or motion about the line this petition? In this petition, application, or motion about the line this petition. In this petition? In

13.

Grounds for Your Challenge in This Petition

GROUND ONE:	Actual Innocence
(a) Supporting fac	cts (Be brief. Do not cite cases or law.):
	superseding indictment (5-2) was never resubmitted to the
federal gran	nd jury to be voted on, there was no "True Bill", nor was the Secon gindictment filed with the Clerks office
(b) Did you prese	nt Ground One in all appeals that were available to you?
□Yes	ĎNo
POUND TWO	The Second Supercoduce Indiches all in
ROUND TWO:	The Second Superseding Indictment is
Fatally	The Second Superseding Indictment is

(a) Supporting fac	ets (Be brief. Do not cite cases or law.):
(a) Supporting fac	ets (Be brief. Do not cite cases or law.):
(a) Supporting fac	
(a) Supporting fac	ets (Be brief. Do not cite cases or law.):
(a) Supporting factor the Sub	econd superseding indictment was not imitted to the gravid jum
(a) Supporting factor the Subsection (b) Did you preser	ets (Be brief. Do not cite cases or law.): e cond Superseding Indictment was not mitted to the grand Juny at Ground Two in all appeals that were available to you?
(a) Supporting factor the Subsection (b) Did you preser	econd superseding indictment was not imitted to the gravid jum
(a) Supporting factory the Search results (b) Did you preserory of Yes	ets (Be brief. Do not cite cases or law.): e cond Superscoing Indictment was not mitted to the gravid jump at Ground Two in all appeals that were available to you?
(a) Supporting factor the Search results (b) Did you preser results	ets (Be brief. Do not cite cases or law.): e cond Superseding Indictment was not mitted to the grand Juny at Ground Two in all appeals that were available to you?
(a) Supporting factory the Search results (b) Did you preserory of Yes	ets (Be brief. Do not cite cases or law.): e cond Superscoing Indictment was not mitted to the gravid jump at Ground Two in all appeals that were available to you?
(a) Supporting factory the Sacresub (b) Did you preserry Yes ROUND THREE:	ets (Be brief. Do not cite cases or law.): COND SUDE SCOING INDICTMENT WAS NOT MHTED TO THE GRAND JUNG It Ground Two in all appeals that were available to you? NO
(a) Supporting factory the Sacresub (b) Did you preser ☐ Yes ROUND THREE:	ets (Be brief. Do not cite cases or law.): e cond Superscoing Indictment was not mitted to the gravid jump at Ground Two in all appeals that were available to you?
(a) Supporting factory the Sacresub (b) Did you preserry Yes ROUND THREE:	ets (Be brief. Do not cite cases or law.): COND SUDE SCOING INDICTMENT WAS NOT MHTED TO THE GRAND JUNG It Ground Two in all appeals that were available to you? NO
(a) Supporting factory the Sacresub (b) Did you preserry Yes ROUND THREE:	its (Be brief. Do not cite cases or law.): **Recond Superscoling Indictment was not Im Heato the grand Juny Int Ground Two in all appeals that were available to you? In No **No **N

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(a) Supporting	ng facts <i>(Be</i>	brief. Do not cit	te cases or lav	v.):		The state of the s	The second secon	
Note that the state of the stat		NA	ANTONIO ANTONI	ENTERTON MENTAL MANAGEMENT COMMISSION COMMIS			eligiele – delembro linka i liko on on on ongolog djego k oppor	······································
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		ound Four in a	II appeals t	hat were avai	ilable to vou	?		***************************************
(b) Did you	present Gre	Junu Pour III a	iii appeais ii	nai were avai				
□Yes	_ [∃No			·			
□Yes	_ [not present i	in all appeals	that were av	vailable to yo	u, explain	ı why yo
☐ Yes If there are an not:	ny grounds	⊃No that you did n	not present i	in all appeals	that were av	railable to yo		ı why you

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

March 17,2022

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: March 17, 2022

Signature of Attorney or other authorized person, if any